

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 v.)
)
 DUSTIN HOLM,)
)
 Defendant.)
 _____)

2004 JUL -2 PM 2:58
CLERK OF COURT
CR-03-220-E-BLW

**ORDER GRANTING MOTION
TO WITHDRAW**

The Court has before it a Motion to Withdraw as Counsel filed by Steve V. Richert, court-appointed counsel for Defendant Dustin Holm, in the above-referenced action. Defense Counsel states that he is unable to agree with his client as to a course of representation and that Holm has made decisions contrary to his best interest. Defense Counsel concludes that he cannot continue to adequately represent Holm.

Upon review of the record, the Court finds good cause to grant the motion. The Court will continue the trial for 45 days in order to allow the Court to appoint new counsel and to allow new counsel to prepare for trial. In addition, the Court finds, pursuant to 18 U.S.C. § 3161(h)(8)(A), (B)(i) and (iv), that any and all delay resulting from Defendant's motion is excludable time as the ends of justice outweigh

the best interest of the public and the Defendant in conducting a speedy trial.

IT IS HEREBY ORDERED that the Motion to Withdraw as Counsel (Docket No. 18) is GRANTED. The Clerk of the Court is directed to appoint new counsel for Defendant Dustin Holm.

IT IS FURTHER ORDERED that the current trial setting of July 12, 2004, is hereby VACATED. The jury trial shall be reset on August 30, 2004, at 1:30 p.m. in Pocatello, Idaho before Chief Judge B. Lynn Winmill. A pretrial conference shall be conducted on August 12, 2004, at 10:00 a.m.

IT IS FURTHER ORDERED that the pretrial motion deadline in the above-referenced matter shall be July 30, 2004.

IT IS FURTHER ORDERED that any and all period of delay resulting from the granting of the Motion to Withdraw and the resulting continuance, from the date of filing of the defendant's motion until the date of the scheduled trial, shall be excludable time pursuant to 18 U.S.C. § 3161(h)(8)(A), (B)(i) and (iv).

DATED this 1st day of July 2004.



B. LYNN WINMILL
Chief Judge, United States District Court

United States District Court
for the
District of Idaho
July 12, 2004

* * CLERK'S CERTIFICATE OF MAILING * *

Re: 4:03-cr-00220

I certify that I caused a copy of the attached document to be mailed or faxed to the following named persons:

Jack B Haycock, Esq. 1-208-478-4175
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U.S. Marshal
HAND DELIVERED

Probation
HAND DELIVERED

☒ Chief Judge B. Lynn Winmill
☐ Judge Edward J. Lodge
☐ Chief Magistrate Judge Larry M. Boyle
☐ Magistrate Judge Mikel H. Williams

Visiting Judges:
☐ Judge David O. Carter
☐ Judge John C. Coughenour
☐ Judge Thomas S. Zilly

Cameron S. Burke, Clerk

Date: 7-12-04

BY: WM
(Deputy Clerk)